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10/690,611	10/23/2003	Imran A. Chaudhri	P3012-832	5910
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EXAMINER				
HEFFINGTON, JOHN M				
ART UNIT		PAPER NUMBER		
2179				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

### Office Action Summary

**Application No.**

10/690,611

**Applicant(s)**

CHAUDHRI, IMRAN A.

**Examiner**

JOHN M. HEFFINGTON

**Art Unit**

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23, 24, 26-36, 38-48 and 50-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23, 24, 26-36, 38-48 and 50-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to the request for continued examination filed 28 January 2009. Claims 1-22, 25, 37 and 49 have been canceled. Claims 23, 24, 35, 36, 47 and 48 have been amended. Claims 23, 24, 26-36, 38-48 and 50-58 are pending and have been considered below.

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 January 2009 has been entered.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 23-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims appear to be directed to non-functional descriptive matter and without explicit definition, one alternative embodiment could be that the medium is directed to intangible mediums such as waves or signals

and, therefore, a determination cannot be made as to what the boundaries of the medium are.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 23, 24, 26-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claim 23 is drawn to a computer readable medium containing a user interface. The applicant has not pointed out where the claim of a computer readable medium is supported, nor does there appear to be a written description of the claim limitation "computer readable medium" in the application as filed.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 47, 48, 50, 51, 54 and 58 are rejected under 35 U.S.C. 102(e) as being anticipated by Malamud et al. (US 6,606,101 B1).

Claim 47: Malamud discloses a method for displaying a cursor on a display of a computer, comprising the steps of:

- a. normally displaying a cursor on a display with a first image (figure 2E); and
- b. switching the representation of said cursor on said display to a second image which comprises a hybrid consisting of a portion of the first image and a variable graphic (figures 2R1-2R3), wherein
- c. said variable graphic is capable of a symbol display relating to represents a condition of a process (figures 2R1-2R3),
- d. upon initiation of the dragging of detecting that said cursor is associated with at least one user interface object that (column 12, lines 27-39).

Claim 48: Malamud discloses the method of claim 47, and Malamud further discloses said display of said cursor is switched upon detecting that the cursor is positioned over a user interface object associated with an application in a busy state (figure 2J2) [the printer being pointed to is in a busy state.].

49. (Canceled).

Claim 50: Malamud discloses the method of claim 47, and Malamud further discloses the step of switching said display from said second image to a third image comprising a hybrid consisting of the portion of the first image with a graphic that represents a copy operation, upon detecting that the cursor is positioned over a destination object to which the dragged object can be copied (column 15, lines 63-67, column 16, lines 16).

Claim 51: Malamud discloses the method of claim 50, and Malamud further discloses the graphic of said second image has a first color, and the graphic of said third image has a second, different color (column 21, lines 9-10).

Claim 54: Malamud discloses the method of claim 47, and further discloses said graphic of said second image includes a quantitative value that represents a characteristic of the dragged object (figure 2R2).

Claim 58: Malamud discloses the method of claim 47, and Malamud further discloses said graphic indicates that an object being dragged will be deleted (figure 2T).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 23, 24, 26-32, 34-44, 46, 52, 53, 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malamud et al. (US 6,606,101 B1) in view of Barber et al. (US 5,586,243).

1 – 22: (Canceled)

Claim 23: Malamud discloses a computer readable medium containing a user interface for a computer, said user interface comprising:

- a. at least two different images for a cursor, including a first image which comprises a pointer arrow having a tail (figure 2E), and
- b. a second image which comprises a hybrid consisting of a pointer arrow with a variable graphic attached to said tail (figures 2R1-2R3), wherein
- c. said variable graphic is capable of a numeric display relating to represents a parameter condition of a process (figures 2R1-2R3); and
- d. means for normally displaying a cursor with said first image and for switching the display to said second image upon initiation of the dragging of at least one user interface object (column 12, lines 27-39),

but does not disclose the second image which comprises a hybrid consisting of a pointer arrow with a variable graphic **in place of** said tail. However, Barber discloses a

hybrid cursor wherein an alphanumeric character is displayed in place of, or on top of, the tail of the cursor (column 5, lines 65-67, column 6, lines 10-12), wherein the character represents the application, or process, of a selected window (column 5, lines 28-36). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add the second image which comprises a hybrid consisting of a pointer arrow with a variable graphic **in place of** said tail to Malamud. One could have been motivated to add the second image which comprises a hybrid consisting of a pointer arrow with a variable graphic **in place of** said tail to Malamud because the information communicated in Malamud in the data attached to the tail of the mouse pointer is associated with the item being pointed at by the pointer and placing the information in place of the pointer tail unmistakably associates the information displayed attached to the pointer with the item being pointed at by the pointer. Further, as pointed out by Barber, there exists a need to for a pointer system for computers such that multiple display pointers can be created and easily distinguished from each pointer (column 2, lines 50-60). Barber fulfills this need by labeling pointers with alphanumeric characters, displayed in close proximity to the associated pointer, to quickly distinguish each pointer (column 3, lines 1-5)

Claim 24: Malamud and Barber disclose the computer readable medium of claim 23, and Malamud further discloses said displaying means switches said display upon detecting that the cursor is positioned over a user interface object associated with an application in a busy state (figure 2J2) [the printer being pointed to is in a busy state.].



Claim 25: (Canceled).

Claim 26: Malamud and Barber disclose the computer readable medium of claim 23, and Malamud further discloses including a third image comprising a hybrid consisting of a pointer arrow with a graphic in place of said tail that represents a copy operation, and wherein said displaying means switches said display from said second image to said third image upon detecting that the cursor is positioned over a destination object to which the dragged object can be copied (column 15, lines 63-67, column 16, lines 16).

Claim 27: Malamud and Barber disclose the computer readable medium of claim 26, and Malamud further discloses the graphic of said second image has a first color, and the graphic of said third image has a second, different color (column 21, lines 9-10).

Claim 28: Malamud and Barber disclose the computer readable medium of claim 26, but do not disclose said graphic of said second image includes a quantitative value that represents a characteristic of the dragged object. However, Malamud discloses a quantitative value for a scroll bar being dragged (figure 2R2) and a message stating that all of the documents in a collection have been selected (figure 2S). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add said graphic of said second image includes a quantitative value that represents a characteristic of the dragged object to Malamud and Barber. One could have been

motivated to add said graphic of said second image includes a quantitative value that represents a characteristic of the dragged object to Malamud and Barber because a user might be copying a number of items and indicating the number of items to the user could help the user know how long the copy operation might take.

Claim 29: Malamud and Barber disclose the computer readable medium of claim 28, but do not disclose the graphic of said third image also includes said quantitative value. However, Malamud discloses a quantitative value for a scroll bar being dragged (figure 2R2) and a message stating that all of the documents in a collection have been selected (figure 2S). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add the graphic of said third image also includes said quantitative value to Malamud and Barber. One could have been motivated to add the graphic of said third image also includes said quantitative value to Malamud and Barber because a user might be copying a number of items and indicating the number of items to the user could help the user know how long the copy operation might take.

Claim 30: Malamud and Barber disclose the computer readable medium of claim 23, and Malamud further discloses said graphic of said second image includes a quantitative value that represents a characteristic of the dragged object.

Claim 31: Malamud and Barber disclose the computer readable medium of claim 30, but do not disclose said quantitative value indicates the number of objects that are being

dragged. However, Malamud discloses a quantitative value for a scroll bar being dragged (figure 2R2) and a message stating that all of the documents in a collection have been selected (figure 2S). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add said quantitative value indicates the number of objects that are being dragged to Malamud and Barber. One could have been motivated to add said quantitative value indicates the number of objects that are being dragged to Malamud and Barber because a user might be copying a number of items and indicating the number of items to the user could help the user know how long the copy operation might take.

Claim 32: Malamud and Barber disclose the computer readable medium of claim 30, but do not disclose said quantitative value indicates the size of one or more objects being dragged. However, Malamud discloses an information display associated with a pointer that indicates the size of an object being pointed to (figure 2L2). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add said quantitative value indicates the size of one or more objects being dragged to Malamud and Barber. One could have been motivated to add said quantitative value indicates the size of one or more objects being dragged to Malamud and Barber because as a user would be interested in the size of an object being pointed to, as user would certainly be interested in the size of the same object if the object were to be copied and pasted or dragged and dropped in another location.

Claim 34: Malamud and Barber disclose the computer readable medium of claim 23, and Malamud further discloses said graphic indicates that an object being dragged will be deleted (figure 2T).

Claim 37: Canceled.

Claims 35-36, 38-46: Claims 35-36, 38-44 and 46 reflect a method of carrying out operation of the user interface of claims 23-24 and 26-34, respectively, and are rejected along that same rationale.

Claim 52 and 53: Claims 52 and 53 reflect a method of carrying out operation of the user interface of claims 28 and 29, respectively, and are rejected along that same rationale.

Claims 55 and 56: Claims 55 and 56 reflect a method of carrying out operation of the user interface of claims 31 and 32, respectively, and are rejected along that same rationale.

3. Claims 33, 45 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malamud et al. (US 6,606,101 B1) in view of Barber et al. (US 5,586,243) as applied to claims 30, 42 and 54 above, and further in view of Marks (US 6,097,390).

Claim 33: Malamud and Barber disclose the computer readable medium of claim 30, but do not disclose said graphic comprises a geometric object, and the size of said geometric object is dynamically varied to accommodate said quantitative value. However, Marks discloses varying the size of a geographic object to indicate the completeness of a task, including a drag and drop operation (abstract, column 1, lines 43, figures 2C, 4C, 5C, 6C, 7C and 8C). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add said graphic comprises a geometric object, and the size of said geometric object is dynamically varied to accommodate said quantitative value to Malamud and Barber. One could have been motivated to add said graphic comprises a geometric object, and the size of said geometric object is dynamically varied to accommodate said quantitative value to Malamud and Barber to conserve resources while informing the user of how much of a task is left to be performed in an intuitive and non-intrusive (non-distracting) manner (Marks, column 2, lines 15-20).

Claims 45 and 57: Claims 45 and 57 each reflect a method of carrying out operation of the user interface of claim 33, respectively, and are rejected under that same rational.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. HEFFINGTON whose telephone number is (571)270-1696. The examiner can normally be reached on Mon - Fri 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

4/7/09  
/JH/

/Steven B Theriault/  
Primary Examiner, Art Unit 2179